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Attorney Docket # 84894-6

TECH CENTER 1600/2900

JAN 16 2004

RECEIVED

EXAMINER Laurie A. Mayes  
GROUP 1653  
APPLICANT Gordon W. Glazner  
SERIAL NO: 09/878,918  
FILED June 13, 2001  
FOR THERAPEUTIC USES FOR IP3 RECEPTOR-MEDIATED  
CALCIUM CHANNEL MODULATORS

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Petition  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202  
U.S.A.

Dear Sir:

PETITION TO WITHDRAW NOTICE OF ABANDONMENT  
UNDER 37CFR 1.53 (f) or (g)

Enclosed is copy of the notice to file missing parts which was mailed on November 14, 2003. We believe that this notice was sent out in error and ask that the application be restored to pendency.

Specifically, it is noted that this notice of abandonment states that the application was abandoned for failure to timely or properly reply to the notice to file missing parts mailed on November 10<sup>th</sup>, 2003.

It is hereby declared that no such Notice to File Missing Parts has been received. It is also noted that applicant was only permitted with four days in which to reply before the Notice of Abandonment was sent. Furthermore, the Notice of Abandonment itself merely states that no reply was received and does not made it clear exactly what documents were missing and needed to be supplied. In view of this, it is believed that this Notice was sent out in error.

Furthermore, it is noted that while the applicant and attorney docket numbers are correct, the application number listed on the notice of abandonment dated November 14<sup>th</sup>, 2003 is incorrect and the proper serial number for this application is 09/878,918.

It is further noted that this application was designated as being complete on May 1<sup>st</sup>, 2002 as evidenced by the enclosed copy of the status reporting section of the USPTO webpage.

It is noted that the last correspondence received by applicant regarding this application was a notice of restriction/election which was dated July 2<sup>nd</sup>, 2003 with the initial deadline for responding being August 2<sup>nd</sup>, 2003. It is not believed that this notice to file missing parts relates to this response because the deadline for responding with the maximum of five 1-month extensions was January 2<sup>nd</sup>, 2004.

Furthermore, a response to the election requirement along with a request for a two month extension was filed on September 30<sup>th</sup>, 2003. A copy of the response as filed as well as a copy of the cashed money order in the amount of \$205.00 and a copy of the receipt card are enclosed herewith.

When preparing this reply, it was noted that the serial number appearing on both the receipt card and the response is also incorrect and lists the serial number as 09/576,130 when in fact it should read 09/878,918. However, it is noted that the inventor name, invention title, Examiner name and filing date were all correct. However, the correct serial number has been indicated hereon in pen to assist the Examiner.

It is further noted that the USPTO website also indicates that this application was docketed to the Examiner on October 2<sup>nd</sup>, 2003, which is shortly after the response had been filed which leads us to believe that it was received by the United States Patent Office. A call to confirm that this was in fact the case with the Examiner placed on December 23<sup>rd</sup> has not yet been returned.


Based on the fact that the USPTO webpage indicates that the application was complete and it was forwarded to the Examiner, that the serial number indicated on the notice to file missing parts is incorrect, that the initial notice to file missing parts was not received and was apparently issued four days prior to the notice of abandonment being sent, it is believed that that this notice was sent in error. Based on this, it is respectfully requested that the application should be restored to pendency.

As discussed above, a response to the election/restriction requirement was submitted with a two month extension and was received by the United States Patent and Trademark Office. In the event that these documents were misplaced due to the incorrect file number, copies are enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No: 01-0310. A duplicate copy of this sheet is enclosed.

Respectfully submitted

Gordon W. Glazner

PER   
Michael R. Williams  
Registration No: 45,333

MRW/ts  
January 12, 2004  
Enc.(6)  
Michael R. Williams

Winnipeg, Manitoba, Canada  
Telephone (204) 947-1429 - FAX (204) 942-5723



**PATENT OFFICE HEREBY ACKNOWLEDGES  
RECEIPT OF THE FOLLOWING ENVELOPES:**

PLEASE RETURN TO: Ade & Company  
1700-360 Main Street  
Winnipeg, Manitoba, Canada  
R3C 3Z3

FED EX WAYBILL :

September 30, 2003

1. 84894-602 Gordon Glazner  
Response

**THE PATENT OFFICE HEREBY  
ACKNOWLEDGES  
RECEIPT OF THE FOLLOWING**

**DATED: September 30, 2003**

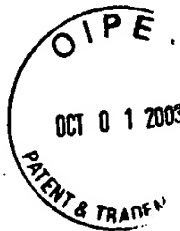
**Filing: Petition for Extension of time in duplicate; M.O.  
\$205.00; Response**

**APPLICANT: Gordon Glazner**

**SERIAL NO. 09/878,918  
08/576,130**

**CASE NO. 84894-602**

dj



**U.S. DOLLAR WORLD MONEY ORDER**

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1-800-860-7291  
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2003 Sep 29  
DATE

**729168120-217**  
72916812

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**EXACTLY / EXACTEMENT**  
205.00 U.S. DOLLARS

NOT TO EXCEED ONE THOUSAND U.S. DOLLARS / NE PAS DÉPASSER UNE MILLE DOLLARS U.S.

**Gordon Alamer**  
NAME OF BENEFICARY / NOM DE L'EXÉCUTÉ

ADDRESS OF BENEFICARY / ADRESSE DE L'EXÉCUTÉ  
**01/576-130**

TO / À **ROYAL BANK OF CANADA**  
**BANQUE ROYALE DU CANADA**  
NEW YORK, N.Y.

**Gordon Alamer**  
PERSON TO WHOM CHECK OR CREDIT IS ISSUED / PERSONNE À LAQUELLE LE CHÈQUE OU LE CRÉDIT EST ÉMIS

**01/576-130**  
BANK OF AMERICA / BANQUE AMÉRICAINNE  
UNIVERSAL CREDIT / CREDIT UNIVERSEL  
DOLLAR U.S. / DOLLARS AMÉRICAINS

01/576-130 10260040931 00037 9498 81 000000 20500

10082003  
 0213-0400-5  
 0731778584  
 0421726266  
 10082003  
 0520-0027-8 FRB BALTIMO  
 ENT=0732 TRC=3730 FX=20  
 056001118  
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
<del>09/878,322</del> 09/878,918	06/12/2001	Gordon W. Glazner	84894-602 MRW

RECEIVED

CONFIRMATION NO. 2129

23529  
ADE & COMPANY  
1700-360 MAIN STREET  
WINNIPEG, MB R3C3Z3  
CANADA

NOV 25 2003

ABANDONMENT/TERMINATION  
LETTER



\*OC000000011231920\*

ADE & COMPANY

Date Mailed: 11/14/2003

### NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/10/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*Request w/Chayer*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE